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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	09/684,866	BENNETT ET AL.
Office Action Summary	Examiner	Art Unit	
	Jamisue A. Plucinski	3629	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 March 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _4-8,10-16,18,19,22,23,25,27-31,33-36,42-45 and 49-52_ is/are pending in the application.

    4a) Of the above claim(s) _4-8,10,11,13-16,18,19,22,23,25,28,43,51 and 52_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _12,27,29-31,33-36,42,44,45,49 and 50_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 12 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kara et al.

(WO 99/21330).

3.   With respect to Claims 12 and 30: Kara discloses the use of a shipping management

computer system that is programmed for:

   a.   Receiving a request for a delivery (Page 14, lines 1-11 and Column 20, lines 3-23)

   b.   According to the request, collecting from a user, parcel specifications (physical or

electronic mail, reference numeral 112), and shipping preferences for a particular parcel

(whether by paper or e-mail, see Page 12, lines 18-28 and Page 14, lines 1-11), the parcel

specification includes an origin address (Kara discloses the use of delivery addresses,

return addresses, which the examiner considers to be an origin address, See Figure 1 with

corresponding detailed description) and a parcel type, (whether it is paper mail or

electronic mail, see abstract);

   c.   Collecting, from a second user, destination address which includes a zip code

(Kara discloses providing a delivery service with information as to how the documents

should be delivered, and delivery preferences, which includes service as well as address

(Page 14, lines 13-28, the recipient discloses whether the mail is sent via physical mail, or electronic mail, therefore different carriers, and that information would include which carrier would deliver the mail (see abstract);

d.   Calculate a shipping rate (page 12, lines 18-28);

e.   Displaying the shipping rate to either the first user to the second user (Page 16, lines 17-25), the shipping rate calculated using the parcel specifications, origin address, destination zip code, the carrier and the service (Page 16, line 26 to Column 17, line 4);

f.   Where in the first and second users access the shipping management computer via the Internet, which the examiner considers to be a global communications network (See Claim 85).

4.   Claims 27 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Kara et al. (6,233,568).

5.   With respect to Claims 27: Kara discloses a shipping management computer system that is programmed to:

6.   Receive a set of parcel specification (See Figure 8, reference numeral 802);

g.   Receive a default shipping location associated with a user (Return address, reference numeral 803, with corresponding detailed description);

i.   With respect to the term "wherein said default shipping location comprises an identification of a location to which the particular user will drop off parcels to be shipped, and wherein the default shipping locations is selected from a plurality of default shipping location alternatives", this phrase is considered to be non-

functionally related to the system claim. In a system claim the system is relied on only for the structural limitations and the functionalities associated there with. The system claimed is a shipping management computer system which is programmed to perform certain functions. Therefore a software operating on a computer device which collects data, performs functions, and send out results. The claimed shipping management system receives an indication of a default shipping location, but how the default shipping location is chosen, or how it is related to the user, or whether it was selected from one location or multiple location, is not performed by the shipping management computer system, it is performed externally of the system by the user. Therefore not functionally related to the shipping management computer system.

h.   For each respective carrier of a plurality of carriers apply a set of carrier specific rules (based on shipping location and parcel handling) to the default shipping location to determine which of carriers would support shipping the parcel to the default location (See Figure 8, Column 21, lines 8-28 and Column 22, lines 1-19).

i.   Generate a display that includes a listing of each of the carriers that would support the shipping of the parcel from the default shipping location (See Figure 8);

j.   Wherein the shipping management computer system is configured for access by a plurality of carriers and each user accesses the computer system using the internet, which the examiner considers to be a global communications network (See Claim 45).

7.   With respect to Claim 50: Kara discloses a shipping management computer system that is programmed to:

    k.   Communicate remotely with a plurality of user computer devices (See Claim 45);

    l.   For each user:

        ii.   Receive a request to ship a parcel, wherein the request includes:

            (1)   An origin postal code (See Figure 8);

            (2)   A destination postal code (See Figure 8);

            (3)   A set of parcel characteristics (See Figure 8);

        iii.   In response to a request:

            (4)   Determine a first and second carrier specific origin zone identifier (Column 21, lines 60-67);

            (5)   Determine a first and second carrier specific destination rating zone identifier (Column 21, lines 60-67);

        iv.   Calculate using zone identifiers, rates of first and second delivery services of the first and second carriers (See Figure 8).

8.   Claims 44 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Nicholls (5,485,369).

9.   With respect to Claim 44: Nicholls discloses a shipping management computer system that is programmed to:

    m.   Receive a set of data input, parcel specifications from a user (Figure 4A with corresponding detailed description);

n.   Determine a set of rating and scheduling information (See Figures 4A-4I, with

corresponding detailed description) related to shipping a parcel from an origin to

destination;

o.   Generating an interactive user interface display according to a set of data input by

a particular user via a remote user client device (See Figure 4A and 4B) comprising:

      v.   At least one data collection field (See Figures 4A and 4B);

      vi.   The set of rating and scheduling information (See Figures 4A and 4B) and

      vii.   An executable set of instructions for regenerating the interactive user

      interface display in response to a user modification of data in the data collection

      field (Rate button, and Repeat button, Figure 4B);

p.   The user communicated with the shipping management system via the internet,

which the examiner considers to be a global communications network (Column 3, lines

38-45).

10.   With respect to Claim 45: Nicholls discloses the interactive user interface display is

displayed on a remote user client computer device (See Figure 6).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

12.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13.   Claims 29, 31 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nicholls et al. (5,485,369) in view of Kara et al. (6,233,568).

14.   With respect to Claims 29, and 31: Nicholls discloses a shipping management computer

system, which is programmed to:

q.   Communicated with a plurality of client computer devices via the Internet

(Column 3, lines 38-45);

r.   Instruct the client computer device to recognize a measured weight of a parcel

using a digital scale (Reference numeral 34, Figure 41 with corresponding detailed

description);

s.   Instruct the client computer device to communicate the measured weight to the

shipping management computer system (See Figure 4A);

t.   Receive the measured weight by the user (See Figure 4A), this weight is used to

calculate the weight of the parcel, therefore the examiner considers this to be a ratable

weight;

u.   Calculate at least one shipping rate using the measured weight (See Figure 4A and

Rate server, Figure 6)

15.   Nicholls however fails to disclose displaying the shipping rate to a displayable device in

communication with the client computer device. Kara discloses a computer program used for

multiple shippers that simultaneous displays calculated rates for multiple carriers (See Figure 8,

column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the

time the invention was made to have the shipping rates of Nicholls be displayed to the user as

disclosed by Kara, in order to present the user with information from which to make an informed

choice as to a particular shipping service provider by which to ship a particular item (See Kara,

Column 22).

16.   Claims 29, 31 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nicholls et al. (5,485,369) in view of Kara et al. (6,233,568) and Thiel (5,699,258).

17.   With respect to Claims 33, 34, 35 and 42: Nicholls discloses a shipping management

computer system which is programmed for:

v.   Communicating with a plurality of user client computer devices via a network

communications protocol (Column 3, lines 38-45);

w.   Receiving a request from a user associated with the client computer device, to

ship a particular parcel (See Figure 4A), wherein the request includes:

viii.   An origin identifier (origin address, Figure 4A);

ix.   A delivery destination identifier (See Figure 4B);

x.   A set of parcel specifications (See Figure 4B).

18.   Nichols discloses the use of a carrier system, however fails to disclose identifying a
plurality of carriers that would support shipping the parcel and displaying the rates to the user.
Kara discloses a computer program used for multiple shippers that simultaneous displays
calculated rates for multiple carriers (See Figure 8, column 22, lines 20-38). It would have been
obvious to one having ordinary skill in the art at the time the invention was made to have the
shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the
user with information from which to make an informed choice as to a particular shipping service
provider by which to ship a particular item (See Kara, Column 22).

19.   Nicolls and Kara, disclose the use of calculating and displaying rates for specific
services, for multiple carriers, but fails to disclose the simultaneous display of rates for each
carrier that includes rates of different services (Column 11, lines 1-13). Thiel discloses the use of
a system for calculating rates for multiple carriers for multiple services (see abstract), and
discloses the computer storing data for the rates of each service for each carrier in one table
(Column 11, lines 1-13). Thiel also discloses that the system will walk the user through which
service is wanted, however discloses displaying only the final rate for desired service for
multiple carriers (Column 11, lines 46-54).

20.   Nicholls, Kara and Theil fail to disclose the "simultaneous" display of shipping charges
for each service of each carrier. It would have been obvious to one having ordinary skill in the
art at the time the invention was made, to display all charges simultaneously. All the rates of
each service of each carrier are calculated by Nicholls, Kara and Thiel. Thiel even shows all the
rates are stored in one table, however, they all require some sort of selection by the user before
each charge is displayed. The way something is displayed, is not considered to be patentable

over the prior art of record, therefore it would have been obvious for one of ordinary skill in the art to display all the calculated rates simultaneously for comparison purposes. It should also be noted that the claims are all drawn to system claims, which are limited to the actual systems and their capabilities, and that what information is actually displayed is considered to be printed matter, and unless the information is used further in the system, then what is actually displayed is considered non-functional.

21.   With respect to Claim 49: Nicholls discloses a shipping management computer system, which is programmed to:

x.   Communicated with a plurality of client computer devices via the Internet (Column 3, lines 38-45);

y.   Instruct the client computer device to recognize a measured weight of a parcel using a digital scale (Reference numeral 34, Figure 41 with corresponding detailed description);

z.   Instruct the client computer device to communicate the measured weight to the shipping management computer system (See Figure 4A);

aa.   Receive the measured weight by the user (See Figure 4A), this weight is used to calculate the weight of the parcel, therefore the examiner considers this to be a ratable weight;

bb.   Calculate at least one shipping rate using the measured weight (See Figure 4A and Rate server, Figure 6);

22.   Nicholls however fails to disclose displaying the shipping rate to a displayable device in communication with the client computer device. Kara discloses a computer program used for

multiple shippers that simultaneous displays calculated rates for multiple carriers (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the user with information from which to make an informed choice as to a particular shipping service provider by which to ship a particular item (See Kara, Column 22).

23.   Nicholls and Kara, disclose the use of calculating and displaying rates for specific services, for multiple carriers, but fails to disclose the simultaneous display of rates for each carrier that includes rates of different services (Column 11, lines 1-13). Thiel discloses the use of a system for calculating rates for multiple carriers for multiple services (see abstract), and discloses the computer storing data for the rates of each service for each carrier in one table (Column 11, lines 1-13). Thiel also discloses that the system will walk the user through which service is wanted, however discloses displaying only the final rate for desired service for multiple carriers (Column 11, lines 46-54).

24.   Nicholls, Kara and Theil fail to disclose the "simultaneous" display of shipping charges for each service of each carrier. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to display all charges simultaneously. All the rates of each service of each carrier are calculated by Nicholls, Kara and Thiel. Thiel even shows all the rates are stored in one table, however, they all require some sort of selection by the user before each charge is displayed. The way something is displayed, is not considered to be patentable over the prior art of record, therefore it would have been obvious for one of ordinary skill in the art to display all the calculated rates simultaneously for comparison purposes. It should also be

noted that the claims are all drawn to system claims, which are limited to the actual systems and

their capabilities, and that what information is actually displayed is considered to be printed

matter, and unless the information is used further in the system, then what is actually displayed is

considered non-functional.

25.   With respect to Claim 36: Nicholls discloses the use of a shipping computer system (see

abstract), with a method of using the system and a computer program located on the computer

system, which instructs the computer to perform rate calculations (Column 4, lines 8-24).

Nicholls discloses each carrier having a set of shipping requirements and a predefined rate

structure (Column 2, lines 17-19, column 4, lines 49-55 and claim 1), and identifying a

displaying the carriers along with the rates of services, for each of the parcels according to rules

(See Figures 4B, 4C, and 4D, column 2, lines 32-38, column 7, lines 25-39 and claim 1) for each

carrier. Nicholls discloses this system to be used over a global network (column 3, lines 38-45).

26.   Nicholls discloses the rates are calculated for carriers with specific delivery requirements

such as Proof of Delivery (See Figure 4A), but fails to disclose the specific delivery requirements

includes an electronic mail delivery notification. Fisher discloses a method for supplying

automatic status updates using e-mail (see abstract). It would have been obvious to one having

ordinary skill in the art at the time the invention was made to have the proof of delivery of

Nicholls be the electronic notification system, as displayed by Fisher, in order to automatically

send delivery status messages over e-mail without the aid or need of a human customer service

representative. (See Fisher, Columns 1 and 2).

27.   Fisher and Nicholls discloses a multiple carrier system that calculates rates for carriers with specific parameters such as notification of delivery, however Nicholls discloses the automatic selection of a carrier and fails to disclose simultaneously displaying the rates of the carriers to the user. Kara discloses a computer program used for multiple shippers that simultaneous displays calculated rates for multiple carriers (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the user with information from which to make an informed choice as to a particular shipping service provider by which to ship a particular item (See Kara, Column 22).

28.   Nicolls and Kara, disclose the use of calculating and displaying rates for specific services, for multiple carriers, but fails to disclose the simultaneous display of rates for each carrier that includes rates of different services (Column 11, lines 1-13). Thiel discloses the use of a system for calculating rates for multiple carriers for multiple services (see abstract), and discloses the computer storing data for the rates of each service for each carrier in one table (Column 11, lines 1-13). Thiel also discloses that the system will walk the user through which service is wanted, however discloses displaying only the final rate for desired service for multiple carriers (Column 11, lines 46-54).

29.   Nicholls, Kara and Theil fail to disclose the "simultaneous" display of shipping charges for each service of each carrier. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to display all charges simultaneously. All the rates of each service of each carrier are calculated by Nicholls, Kara and Thiel. Thiel even shows all the rates are stored in one table, however, they all require some sort of selection by the user before

each charge is displayed. The way something is displayed, is not considered to be patentable over the prior art of record, therefore it would have been obvious for one of ordinary skill in the art to display all the calculated rates simultaneously for comparison purposes. It should also be noted that the claims are all drawn to system claims, which are limited to the actual systems and their capabilities, and that what information is actually displayed is considered to be printed matter, and unless the information is used further in the system, then what is actually displayed is considered non-functional.

Response to Arguments

30.   Applicant's arguments filed 9/6/06 have been fully considered but they are not persuasive.

31.   With respect to applicant's arguments that Kara II (WO 99/21330) does not disclose the limitations of claims 12 and 30: Claims 12 and 30 are drawn to a system claim, which are drawn to only the structural limitations and the capabilities of the structure. The system claim is a shipping management computer that is programmed to perform functions. Therefore it is a system with software running on a server and collects information, processes the information, then outputs the result. Where the information is being obtained, whether it is from a first user, third user or second user, it is still collecting the information from an outside source, then processing the information the same way. Therefore the limitation of collecting a request from a "second user" is not considered to be a functional limitation, due to the fact that the software would run the same regardless of if the request was coming from a first user or a second user. Kara II discloses the use of a request for delivery and collects information from a first and

second user, according to the request, so whether the request is sent from the first user or a second user, does not affect the system, the system still receives the same information, processes the information the same and displays the information the same. Therefore arguments are not considered persuasive, and rejections stand as stated above.

32.   With respect to applicant's argument of the rejection of Claim 27: In regards to the argument that Kara does not disclose the user indicating a default shipping location, when a user registers with Kara, their address is registered as well. Column 19, lines 55-62 disclose that the system will automatically fill in the address of the user, OR a user can manually type one in. Because the user registers with the system the address the user enters, is considered to be the default address. In regards to the argument that Kara does not discloses applying a respective set of carrier-specific shipping location rules and determine which of said plurality of carriers would support shipping the parcel from the default shipping location, Kara discloses the program will determine and indicate which carriers do not provide service based on the shipping parameters, and disclose the shipping parameters are location based, and uses zones, which are based on the user's address. Kara discloses different carriers will have different rules for different zones. Therefore it is the examiner position that Kara does in fact "apply a respective set of carrier-specific shipping location rules... to determine which of said plurality of carriers would support shipping the parcel from the default shipping location". As stated above, the examiner considers the fact that the user registers with the system and the system automatically fills in the return address, then the return address is considered to be a default address. Argument is not considered persuasive and rejection stands as stated above.

33.   With respect to applicant's argument of the rejection of Claim 50: the applicant has

argued that the user in Kara chooses the zone, therefore the system of Kara does not "determine a

first and second carrier specific origin zone identifier" (as stated in the office action. However

the claims are drawn to a system which determines an identifier, the claims in no way describe

how the identifier is determined. If a user selects an identifier, then the system can determine the

identifier based on what the user chooses. Without any claim limitations on how the zones are

determined, due to the fact that the user provides the zone, does not preclude the system from

determining the zone. Furthermore, what the advantages or unexpected results of the system

determining the zone as opposed to the user doing it? The applicant is also arguing that the

system of Kara does not automatically calculate multiple rates for multiple services for a carrier,

without the user selecting one service at a time. It should be noted that the claim limitations are

that the computer system calculating multiple rates for multiple services for multiple carriers.

The claims do not recite that the calculations have to all be done at once, or that there is not user

interaction for these calculations, merely claim that the system is capable of calculating rates for

more than one service for more than one carrier. Arguments are not considered to be persuasive

and rejection stands as stated above.

34.   With respect to applicant's argument of the rejection of Claims 44 and 45: The applicant

has argued that Nicholls "Rate" and "Repeat" buttons do not teach "...regenerating the

interactive user interface display in response to a user modification of data in the at least one data

collection field". The applicant has argued in the specification that it states that the Graphic

Array immediately displays new information without requiring the shipper to request a

recalculation, such as by clicking on a "Regenerate" button or the like. However, the claim

limitation is not as narrow as the specification. The claim limitation merely reads

"regenerating... in response to a user modification of data". The claim does not state that it is

automatically regenerated without user interaction. The claims in fact state that the user

interface (which is a display) includes an executable set of instructions for regenerating the

interactive user display. Which can be read that there is some form of a button, which is the

computer executable set of instructions. Furthermore, all that is claimed is that the display will

regenerate, which means as soon as you retype something in, that technically is regenerating as

you type. The claims do not read that the rate and schedules are recalculated automatically.

Given the broadest reasonable interpretation of the claims, the examiner considers Nicholls to

disclose the claimed limitations, and rejections stand as stated above.

35.   With respect to applicant's argument of rejection of Claims 31 and 49 (along with claims

29, 33-35 and 42): The applicant has argued that there is no disclosure in either Nicholls or Kara

of "sending executable program instructions to the client computer device..." "... to... instruct

the client computer device to recognize a measure weight... being measured by a digital scale".

In the rejection the examiner has relied on Nicholls to show this feature, therefore for arguments

sake the examiner is responding to the argument only in terms of the Nicholls reference.

Nicholls in Figure 4I disclose the use of a scale, which is connected to the client device.

Nicholls, in Column 6, describes the use of different Managers, residing on the system (see

Figure 6), which control certain functions. In this list is a Device Manager, which controls the

information and monitoring of external devices such as the scale. The claims recite that the

computer executable instructions instruct the client computer to recognize a measured weight, of

which is measured by a digital scale. The user of Nicholls does not enter in the weight, the

weight is measured by a scale. Therefore due to the fact that the device manager controls the scale, then the examiner considers this to be "sending executable program instructions to the client computer device..." "... to... instruct the client computer device to recognize a measure weight... being measured by a digital scale". The rejection stands as stated above.

36.   With respect to Applicant's argument Nicholls, Kara and Theil do not disclose the simultaneous display of the charge for each service for each carrier and that the asserted obviousness is not supported by evidence but rather is based on use of the present invention as a roadmap to combine disparate features of separate references: The applicant argues that the office action states that Kara does not disclose the simultaneous display of multiple services for multiple carriers. Kara calculates rates for multiple services for multiple carriers, however simultaneously displays rates for multiple carriers for a selected service. As stated in the office action, Kara discloses simultaneous displaying of rates for multiple carriers for a selected service. And is fully capable of calculating rates for multiple services for multiple carriers, however is not done simultaneously. Theil discloses the rates using the tables are calculated simultaneously, however the output to the user is only the final rate for the selected service. As stated in the office action the way something is displayed, whether it be simultaneous or by a user interaction of clicking check mark boxes in a screen is not considered to be patentable of the prior art of record. The claims are drawn to system claims. In the system of Nicholls, Kara and Theil the calculation of all the rates are done, and displayed, so if the content of the display is not used further in the claim, then what is actually displayed is descriptive material. Applicant's arguments are not considered to be persuasive and rejection stands as stated above.

37.   With respect to Applicant's argument with the rejection of Claim 36: the applicant is

argued that Nicholls does not determine, for each carrier specific delivery service offered by

each respective carrier of a plurality of carriers, whether the respective carrier-specific delivery

service would provide delivery notification for delivering the particular parcel. Nicholls

discloses the use of special services such as proof of delivery. Nicholls calculates rates for

multiple carriers such as UPS® and FedEx®. The display portion of the claim however is

covered by Kara. Kara discloses calculating special services for multiple carries and discloses

displaying only those carriers which provide those services. Together Nicholls Kara combined,

disclose the claim limitation.

38.   With respect to Applicant's argument that the asserted combination of Fisher with

Nicholls is not supported: The applicant has stated that the claim has been amended to disclose

determining if a carrier provides electronic delivery mail notification. This added claim

limitation is addressed in the rejection above. It is the examiners position that if a carrier does

not provide a service, then it cannot calculate a rate for that service, therefore the calculation in

Nicholls cannot be done. However, Kara shows this step being actively discussed on

determining if a carrier provides a selected service, or could meet shipping parameters. The

rejection above has been amended to show this claim limitation. The applicant has stated that

Nicholls "specific delivery requirements" do not equate to the claim which recites "a request

input by a user for an electronic mail delivery notification service by a carrier..." However

Nicholls discloses a Proof of Delivery option, which is used to calculate a rate. Fisher discloses

the use of a proof of delivery being in electronic form. Therefore the examiner considers the

combination of Nicholls and Fisher to disclose this claim limitation. The applicant has also

stated that the claim limitation does not disclose electronic updates of status, but rather discloses

electronic delivery notification. However the status of delivered which is sent to the user, is a

delivery notification, and due to the fact that it is sent over e-mail, then the examiner considers

this to be an electronic delivery notification. The applicant has argued that there is no disclosure

in Fisher that the carriers themselves provide delivery notification, but that the system of Fisher

retrieves information from the carrier system and forwards this to the customer. However the

limitation of proof of delivery sent by the carrier is taught by Nicholls, Fisher is merely used to

show a form of proof of delivery is electronic. Therefore, as combined, the examiner considers

there to be sufficient motivation to combine Nicholls and Fisher and the combination along with

Kara teaches the claimed limitation. The examiner considers the recited combination, to teach

the claimed limitations, and rejections stand as stated above.

Conclusion

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

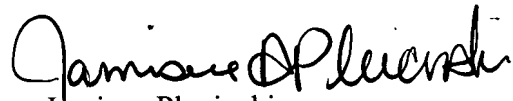CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jamisue A. Plucinski whose telephone number is (571) 272-6811.

The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamisue Plucinski
Patent Examiner
Art Unit 3629